1: Gillin E-5 (1932-33) 1936 SR9 Carib SR9

being involves the human factor. This section is primarily concerned only with the secular aspects of law and justice, in so far as they can be distinguished. Examples of a positive and of a negative religious rule may be found in the section on Religion.

The infringement of a religious rule of law brings unpleasant results, but there is frequently no idea of obeying the rule as a good in itself. A Carib is surrounded by a vast army of spirits, spirits of the bush and of the streams. Some are characteristically mischievous or malevolent, others are merely finicky and jealous of their rights, which include the treatment to which they are entitled. A Carib must follow the rules of conduct which will keep him out of trouble with the spirits. When he wants positive responses from the supernatural powers, he consults a medicine man or piaiyen. It is practically impossible for a layman to attract the favorable attention of the spirits directly.

On the secular side, law and justice are highly personal. Only in cases, to be described later, in which an individual by the multiplicity and pertinacity of his offenses makes himself a public nuisance or a public menace do the members of the group take united action against him. And in such cases it appears that the group action is taken as the result of a sum of individual grievances rather than from a conscious sociological consideration for the welfare of the group as an entity.

Practically all secular offenses are punished by the victim, or as we would say, the plaintiff, who is assisted in certain cases by specialists having mastery of techniques involving spiritual powers. A man's brothers, real or classificatory, will assist him in these matters upon occasion. The latter practise furnishes the basis for a loose sort of collective responsibility. Signs of a formalized grouping of relatives are, however, lacking.

In a group such as this, where public law is all but excluded by private law, little attention is paid to abstract ideals of right and wrong. A Carib is only mildly interested in offenses suffered by other individuals. Adultery, for example, is regarded as a delightfully exciting game except when one's own wife becomes involved. Retribution is therefore the important factor in punishment.

The most serious offenses are homicide, poisoning, use of sorcery, theft, and adultery. Homicide is justifiable when used as retribution for a clear case of adultery or when it is obviously due to

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accident; in all other cases it is subject to retribution. Poisoning may be distinguished from homicide in cases where it is not fatal; poisoning itself is used as a form of retribution, but secretly, and in any case, if the poisoner is discovered, the intended victim feels that an offense has been committed against him. The same is true of sorcery which is used as a means of retaliation. Practically speaking, however, if a Carib who has committed an offense discovers his victim using either poison or sorcery against him as a retaliation, he devotes his efforts to self-protection rather than to counter retaliation. Public opinion supports the use of poison and sorcery as means of retaliating for an unprovoked offense. On the other hand, the use of these measures because of mere dislike, sadism, drunkenness, or anger is regarded as offensive and properly to be punished.

Theft is the misappropriation of another individual's property. All goods are individually owned among the Caribs. A man owns, for instance, his field, house, hunting and fishing equipment, canoes, ornaments, tools, the game he has bagged. A woman owns the implements which she uses in field and house, the pottery which she makes or acquires, the basketry (which is made, however, by the male members of the family), her clothing and ornaments. Where the Indians have come in contact with prospectors for gold, each man has private ownership in the gold creeks which he has discovered and which he may sell. A sorcerer and a medicine man each has ownership in his techniques and knowledge. All the foregoing types of property are alienable in one way or another. But each individual may also be said to own his or her personal name, which is alienable under no circumstances. To prevent theft and magical misuse of the personal name, an Indian guards it closely and allows only trusted intimates to know what it is. Names, for example, Big Frog, Curly Hair, Haimara (a fish), are invented by the mother and given to the child in infancy. They are based on supposed resemblance of the child to some animal and imply a faint spiritual bond between the person and said animal.[1] Communally held forms of property, if they may be so called, are certain songs and traditions.

As in many primitive communities, in spite of the importance

[1] This is, however, only a hint of personal totemism or guardian spirit concept. I have found no trace of a set of formulated rights and duties between the person and the animal involved.